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Date: September 29, 2003

Docket No.: 0941-0848P

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a continuation divisional continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/242,773 filed on September 13, 2002, the entire contents of which are hereby incorporated by reference, by

Hung-Yu CHIU; U-Way TSENG; Wen-Pin LU; Cheng-Chen HUSEH; Pei-Ren JENG; Fu-Hsiang HSU

for

MEMORY DEVICE AND METHOD FOR FORMING A PASSIVATION LAYER THEREON

1. Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. The filing fee has been calculated as follows:

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		LARGE ENTITY		SMALL ENTITY	
BASIC FEE		\$750.00		\$375.00	
NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS		9-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS		1-3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED				+ \$280.00	+ \$140.00
		TOTAL		\$750.00	\$0.00

3. A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Enclosed is/are four (4) sheet(s) of formal drawings and/or photographs.
- 6a. A statement claiming small entity status was filed in prior Application No. 10/242,773 on _____. See the attached copy of the statement claiming small entity status.
- 6b. The current application qualifies for small entity status.
7. The prior application is assigned to MACRONIX INTERNATIONAL CO., LTD..
8. A Preliminary Amendment is enclosed.
- 9a. Priority of Application No(s). 091104754 filed in Taiwan, R.O.C. on March 13, 2002 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on September 13, 2002.
- 9b. Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and _____

Application No. _____ filed in _____ on _____ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. Address all future communications to:
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000
or
Customer No. 02292
12. An extension of time for _____() month(s) until _____ has been submitted in parent Application No. 10/242,773 in order to establish co-pendency with the present application.
13. Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy
Joe McKinney Muncy, #32,334

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Falls Church, VA 22040-0747
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Attachment(s)

(Rev. 07/303)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: CHIU, Hung-Yu et al. Conf.: Unassigned
Appl. No.: New Group: Unassigned
Filed: September 13, 2002 Examiner: Unassigned
For: MEMORY DEVICE AND METHOD FOR FORMING A
PASSIVATION LAYER THEREON

COPY

L E T T E R

Assistant Commissioner for Patents
Washington, DC 20231

September 13, 2002

Sir:

Under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a), the applicant(s) hereby claim(s) the right of priority based on the following application(s):

<u>Country</u>	<u>Application No.</u>	<u>Filed</u>
TAIWAN, R.O.C.	091104754	March 13, 2002

A certified copy of the above-noted application(s) is(are) attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
Joe McKinney Muncy, #32,334

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Attachment